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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN THE MATTER OF:**

**YOSHIHIRO, Akiyama**

**DOCKET NO:** MM4667

**FILED:** January 23, 2004

**GROUP ART UNIT:** 2877

**SERIAL NO.** 10/764,098

**EXAMINER:** Nguyen, Sang H.

**FOR:** APPEARANCE INSPECTION APPARATUS AND METHOD OF IMAGE  
CAPTURING USING THE SAME

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

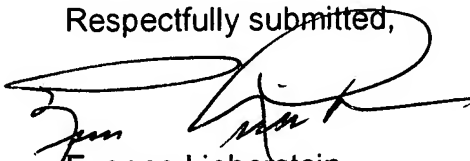
**S I R:**

This is in response to the outstanding Office Communication dated  
January 25, 2006.

Applicant provisionally elects Group I inclusive of claims 1-6 drawn to an  
appearance inspection apparatus for prosecution on the merits under 35 USC 121.  
Applicant reserves the right to file claim 7 or a modified version of claim 7 as a  
dependent claim to one of the claims 1-6 in Group I. Alternatively, Applicant reserves  
the right to file a divisional patent application directed to Group II inclusive of claim 7.

In view of the provisional election Applicant respectfully requests that prosecution on the merits be conducted relative to the invention of Group I as soon as reasonably possible.

Respectfully submitted,



Eugene Lieberstein  
Reg, No. 24,645

**MAILING CERTIFICATE**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 23, 2006.

Signed: \_\_\_\_\_

